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COMMITTEE ON THE RIGHTS OF THE CHILD

Eighth session

SUMMARY RECORD OF THE 204th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 24 January 1995, at 10 a.m.

Chairperson: Mrs. BADRAN

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GE.95-15251 (E)

The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of the United Kingdom of Great Britain and Northern Ireland (CRC/C/11/Add.1; CRC/C.8/WP.1)

1. At the invitation of the Chairperson, Mr. Luce, Mr. Campbell, Mr. Conliffe, Mr. Phipps, Mr. Harrington, Mr. Hayes, Mrs. Ball, Mr. Wilson and Mrs. Doherty (United Kingdom of Great Britain and Northern Ireland) took places at the Committee table.

2. The CHAIRPERSON invited the United Kingdom delegation to introduce its country's initial report (CRC/C/11/Add.1). She thanked the Government of the United Kingdom, through its delegation, for sending written replies to the Committee's questions appearing on the list of issues. Those replies, which had not been published in the form of a document, had been distributed at the meeting.

3. Mr. LUCE (United Kingdom) indicated that the Ministry of Health was responsible for coordinating the activities of all the other Government Departments in connection with the application of the Convention and all questions relating to children. The United Kingdom, which had participated actively in the drafting of the Convention, viewed that instrument as a harmonious framework within which to formulate policies and establish services for the benefit of children. The ratification of the Convention in December 1991 had been preceded and followed by a major programme of legislative and other relevant measures. In 1991, shortly before the ratification, the authorities had put into effect, in England and Wales, the Children Act of 1989, the aim of which was to restructure the public services and review the provisions of private law in that regard. That Act had encouraged Government Departments to work in concert. A large-scale programme was currently under way to improve care services for children. Moreover, a vaccination programme for children had been completed and additional reforms had been undertaken in the field of education and social services. The United Kingdom authorities were making considerable efforts in the legislative and budgetary fields with a view to encouraging public services and non-governmental organizations (NGOs) to restructure the services intended for children and their parents. Other measures were planned, particularly in Scotland and Ireland. The United Kingdom Government had undertaken to promulgate legislation concerning adoption with a view to ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. Finally, plans had been made for new family legislation. In the light of the directives of the European Union concerning child labour, and after consulting the sectors concerned, the Government would be revising the legislation in that field. However, the Government did not regard the adoption of legislation as an end in itself; tomorrow's children might be different from yesterday's children and there was therefore a need for ongoing evaluation of the policies concerning them. Finally, he emphasized that all the mechanisms that had been established were based on the principles of the Convention.

4. Mr. CAMPBELL (United Kingdom) said that, although Scotland had its own legal system, it did not differ significantly from Northern Ireland and England in regard to public or private law. The social security system was similar and health legislation was comparable, although the Scottish education system was different.

5. In Scotland, there were children's hearings in which the well-being of the child was taken into consideration. The bodies concerned were competent to hear most of the offences that might be committed by or against a child. In recent years, studies had been conducted in Scotland with a view to a reform of the provisions relating to child maintenance. The Child Care Law had been adopted in 1990. The legislation concerning adoption had been reviewed and the Scottish Law Commission had published a study on family legislation, which had led to the presentation of a bill of law. In 1993, its 400 recommendations had been published in a White Paper entitled "Scotland's Children", in which the importance of the Convention had been emphasized. That White Paper also contained a timetable for the legislative reforms to be undertaken in that regard. A bill of law (the Children's Scotland Bill), which took into account the proposals of other bodies, particularly NGOs, had been brought before Parliament. The purpose of that bill, which covered public and private law, was to improve family law by emphasizing parental responsibility. New procedures for emergency protection, which were already in force, would also be ratified by a legal instrument. Under a new order, it would be possible to exclude from his family any person found guilty of ill-treatment, instead of removing from that family the child who was the victim of such ill-treatment. Reforms were also under way to improve the law on adoption. For their part, the authorities had an obligation to draw up child care plans. The White Paper advocated practical action programmes, particularly a programme for youth homelessness and a plan concerning persistent juvenile offenders.

6. With regard to the United Kingdom's reservation concerning article 37 (b) of the Convention, in connection with children's hearings, a bill of law had recently been brought before Parliament. It made provision for the child and his or her family to lodge an appeal directly with a sheriff's court and to be represented by a lawyer during those hearings. If that bill were passed, the reservation might be withdrawn.

7. Mr. CONLIFFE (United Kingdom) pointed out that Northern Ireland had its own legislation which, although independent, was similar to that of Great Britain. It had its own health services, which were administered by various boards and trusts. The policy of the Ministry of Health and Social Services of Northern Ireland was to seek to keep the child within his or her family, since it was there that the child was best cared for. Priority was given to prevention and the welfare of the child. The family assistance services provided the necessary support for young persons and their family. In that regard, a bill of law had been presented in 1993 with a view to strengthening the law on child care. Its text, which was drafted in the spirit of the Children Act of 1989, was in conformity with the principles of the Convention. The British Parliament would soon be considering those bills with a view to putting them into effect in Northern Ireland in 1996. The Ministry of Health, in collaboration with the Ministry of Education of Northern Ireland, had issued a policy statement which was in conformity with

the Convention. That statement concerned services for the benefit of young children, particularly those under 5 years of age. An improvement was being sought in the quality of services and budgetary appropriations had been allocated to achieve that objective in both the private and public sectors. An Advisory Committee had been established to encourage cooperation at the local level in the field of services. Voluntary organizations were very active in Northern Ireland. The public authorities were aware of the persistent economic and social inequalities and were attempting to mitigate them by granting allowances to the most disadvantaged persons. With regard to employment, efforts were being made to improve education. Following the restoration of peace and security in Northern Ireland, it had been possible to implement long-term programmes.

8. The CHAIRPERSON welcomed the legislative reforms that were under way and expressed the hope that the Government would be able to withdraw its reservations in the near future.

9. Mr. LUCE (United Kingdom) reaffirmed that legislative measures were insufficient unless they led to tangible results. He was therefore open to any suggestions by the Committee in that regard.

10. The CHAIRPERSON invited the members of the Committee to formulate their questions and comments concerning the first section of the list of issues (CRC/C/8/WP.1), which read:

"General measures of implementation

(Arts. 4, 42 and 44 (para. 6) of the Convention)

1. In the spirit of the final document adopted by the World Conference on Human Rights, is the Government considering reviewing and withdrawing its reservations to the Convention?

2. Please provide clarification on the status of the Convention in relation to national law. Can the provisions of the Convention be invoked in court and have they been taken into account in judicial decisions?

3. Please provide details of Parliament's consideration of the adoption of legislation on the rights of the child for Scotland and Northern Ireland.

4. In the light of the declaration made by the United Kingdom of Great Britain and Northern Ireland at the moment of ratification of the Convention that it reserves the right to extend the Convention at a later date to any territory for whose international relations the Government of the United Kingdom is responsible, please provide information on the steps taken or envisaged to ensure the implementation of the Convention in these territories.

5. What plans are there for promoting a dialogue both with the relevant NGOs and with the wider public about how far children's rights are currently being respected, and of additional measures to be taken to further promote and protect those rights?

6. Are there any plans to establish a Commissioner on Children's Rights or any similar ombudsman mechanism in this field?

7. Please provide information on measures taken to develop a system for collecting comprehensive statistical data and other necessary information about the status of children to enable the Government to monitor the implementation of the Convention, and to design programmes for improving the situation of children.

8. Has the particular impact on children of the emergency legislation in Northern Ireland been assessed? What measures have been taken to deal with the complaints that children have been harassed in the streets by security forces?

9. Please indicate what proportion of the budget at both central and local levels is allocated to social priorities for children. What indicators or target figures are used in this context?

10. What overall policy programme exists to address the problems of child poverty? Does the Government have a strategy for tackling this problem in line with its obligations under article 27 of the Convention relating to the right of a child to an adequate standard of living, and article 4 of the Convention concerning the obligation of the State to undertake measures to implement economic, social and cultural rights to the maximum extent of available resources?

11. What plans does the Government have to meet its commitment to achieve the target of 0.7 per cent of GNP for the aid budget, and is there any commitment to divert a greater proportion to human priorities?"

11. Mr. HAMMARBERG expressed satisfaction at the legislative reforms that were under way in the United Kingdom and welcomed, in particular, the measures taken with a view to ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, the reforms relating to child labour and the possible withdrawal of the United Kingdom's reservation concerning article 37 (d) of the Convention. The World Conference on Human Rights had recommended that Governments should withdraw their reservations, particularly those concerning important aspects of the Convention.

12. With regard to general measures of implementation, he hoped that additional information would be provided concerning the manner in which the Ministry of Health was playing its coordinating role. Did its activities also involve the local authorities in Scotland and Northern Ireland?

13. He pointed out that a number of European countries had decided to appoint a mediator for all matters relating to the rights of the child, as well as an independent body to monitor official policy, and he wondered whether the same applied in the United Kingdom. Furthermore, article 4 of the Convention

recommended that, with regard to economic, social and cultural rights, States parties should undertake all appropriate measures to the maximum extent of their available resources. Accordingly, the national budget had been re-examined in numerous countries. The report and the written replies of the Government of the United Kingdom lacked information in that regard.

14. NGOs were very active in the United Kingdom and some of their officials regretted that the British authorities were not cooperating with them to a greater extent. For example, it was unfortunate that the report had been brought to the attention of those organizations only in December 1994. Some States had even considered the possibility of preparing their report in consultation with NGOs. Had the British authorities planned measures which, in future, would enable them to engage in genuine cooperation with NGOs at the local and national levels?

15. Mrs. EUFEMIO requested fuller information concerning the importance accorded to child services in the national budget. Some statistical data, which were lacking in the report, would be of help in evaluating the application of the Convention, particularly at the local level. They would also make it possible to assess the progress achieved when the next report was considered. She stressed the need for figures in order to make a proper assessment of the manner in which the local authorities were fulfilling their responsibilities.

16. Mrs. SANTOS PAIS said that she was very encouraged to note that the United Kingdom Government was willing to take into consideration all the recommendations made by the Committee during the consideration of its report and that it intended to continue taking the necessary measures to ensure that its national legislation was in conformity with the provisions of the Convention, to establish a mechanism to monitor the application of the policy adopted, and to cooperate with NGOs. However, she would like to have information concerning the question of coordination. She wondered, in particular, about the nature of the monitoring mechanism that was to be established to ensure that the provisions of the Convention were applied fully in the various regions of the United Kingdom, the manner in which relations between the central and local authorities were structured, the nature of the system that had been established to ensure coordination of the activities of the various Ministries, and whether a central body existed to evaluate the progress achieved and identify priorities at the national and local levels.

17. She also wished to know whether measures had been taken to make the Convention more widely known to adults and children, whether training courses had been organized for persons responsible for the care of children and whether the question of the rights of the child was brought to the attention of members of Parliament during their consideration of bills of law.

18. With regard to the reservations expressed by the United Kingdom at the time of ratification of the Convention, she noted with satisfaction that the British authorities intended to re-examine, and might even withdraw, the reservation that still applied to Scotland, and that they had undertaken to review the labour legislation. In that connection, she wondered whether they were considering withdrawing the reservation expressed concerning article 32 of the Convention. While reading the report and the written replies of the

United Kingdom, she had noted that the labour legislation, particularly in regard to occupational health and safety, contained no provisions explicitly concerning children and their interests. She also wondered about the compatibility of the reservation expressed on the subject of immigration and nationality (art. 7 of the Convention) with article 9, which embodied the right of the child not to be separated from his or her parents, and article 10 concerning family reunification. In that connection, she wished to know whether any application submitted by a child or his or her parents with a view to entering the United Kingdom or leaving that country for purposes of family reunification was dealt with "in a positive, humane ... manner". She also wondered whether the best interests of the child were taken into consideration in view of the legislative provision under which the child did not automatically acquire the nationality of the father if his or her parents were unmarried, or the provision under which a child could come to live with his or her parents in the United Kingdom only if the latter were able to meet the child's needs without State aid. She would also be interested to know whether the child's views were taken into consideration. In fact, that reservation concerning immigration and nationality seemed to call into question numerous principles of the Convention. It was also very vague and the authorities themselves had acknowledged that it was loosely worded, although States should confine themselves to clearly worded reservations concerning specific questions. Moreover, the Committee's task, which was to examine the progress achieved by States parties in fulfilling their obligations under the Convention, might thereby be rendered more difficult. In addition, she wondered about the justification for that reservation, since paragraph 155 of the report indicated that the British laws relating to immigration and nationality were perfectly compatible with the spirit of the Convention.

19. Mrs. SARDENBERG welcomed the United Kingdom Government's commitment to keep the situation of the child under constant review. Referring to the decision taken in September 1994 to extend the application of the Convention to a certain number of dependent territories, she wished to know whether measures had been taken in those territories to make the Convention and its principles known to, and understood by, the population. With regard to relations between the Government and NGOs, she wondered whether the authorities intended to invite those organizations to contribute to the implementation of the Committee's recommendations.

20. Noting that the written replies of the British authorities indicated that the United Kingdom had a good system for the collection of data, she wished to know how the data obtained were analysed and whether the results of those analyses were taken into account when reviewing the policy that was being applied and when drafting new laws. Finally, referring to the emergency legislation applied in Northern Ireland, she requested information concerning the follow-up to the allegations according to which children had been harassed.

21. Mr. LUCE (United Kingdom), replying first of all to the question concerning extension of the application of the Convention to a certain number of dependent territories, indicated that he had no detailed information concerning the measures taken in those territories to publicize the provisions of the Convention. He pointed out that, in two of those territories, there

were no children in view of the extremely harsh climatic conditions while in other densely populated territories, such as Hong Kong, the question of the rights of the child was accorded all due attention.

22. Turning to the question of the reservations expressed by the United Kingdom at the time of ratification of the Convention, he confirmed that it was highly probable that the United Kingdom would withdraw its reservation concerning Scotland. With regard to the reservation that had been made concerning article 32 of the Convention, it should be noted that, given the fact that the Convention defined the child as a human being below the age of 18 years, the United Kingdom had deemed it necessary to establish two distinct legal categories in the labour sector: one for children under 16 years of age, who were still subject to compulsory education, and the other for young persons over the age of compulsory education. The purpose of that distinction in the field of labour legislation was to ensure that children under 16 years of age received the full-time tuition that was indispensable for their development. That fairly strict regulation based on the age of the child would be re-examined in the light of the directives of the European Union.

23. Mr. CONLIFFE (United Kingdom) indicated that, with regard to the reservation concerning immigration and nationality, the relevant national legislation was fully compatible with the provisions of the Convention. However, the Convention set forth the rights of the child in general terms and it was in order to avoid conflict concerning the degree of compatibility of particular details of the national legislation with the letter and spirit of the Convention that the Government had decided to express a general reservation in order to make it quite clear that nothing in the Convention could be interpreted as giving the Convention precedence over British legislation in regard to immigration and nationality. After a thorough examination of the question of the advisability of withdrawing the reservations, the authorities had decided that the situation in the country had not changed since the ratification of the Convention to an extent that would justify their withdrawal. However, it should be noted that legislation and practice were in conformity with the letter and spirit of the Convention. In numerous fields, Ministers were able to use their discretionary power in order to ensure, in a more effective manner, that the obligations contracted by the State under the Convention were being respected.

24. On the question of family reunification, he indicated that the law on immigration had been amended in October 1994 in such a way as to facilitate the return to the United Kingdom of foreigners who had left the territory so that they could see their children who had remained in the country. The law on immigration now enabled a foreign divorced or separated parent to apply, from the country in which he or she resided, for authorization to visit the United Kingdom in order to see his or her child. Foreigners having a child in the United Kingdom and who risked being expelled for contravening the law on immigration were encouraged to leave the country voluntarily and subsequently apply for entry clearance so as to regularize their situation and return to the United Kingdom in order to see their children. Although, in theory, children under 18 years of age who had contravened the law on immigration could be expelled, that measure was very rarely taken in the case of unaccompanied children under 16 years of age and only after the authorities

had ascertained that the child would be cared for in the country to which he or she was to be sent. Moreover, before deciding to expel parents who had a child in the United Kingdom, the authorities examined their situation and took into account the age of the child, as well as the care that he or she needed and the number of years that he or she had spent in the United Kingdom. At all events, the authorities were taking care to ensure that the provisions of the Convention, and particularly article 8, were respected.

25. With regard to nationality, it was true that, in accordance with the Nationality Act of 1981, a child born out of wedlock acquired, at birth, the nationality of the mother rather than that of the father. Such a rule was justified by the fact that it was not always easy to establish paternity with certainty. Moreover, the Act enabled the majority of illegitimate children born in the United Kingdom to a British mother to acquire British nationality at birth or at the time when the mother was naturalized. Furthermore, the Nationality Act vested the competent Minister with discretionary power to grant British nationality to a child born out of wedlock if he or she resided in the United Kingdom, provided that the child had been recognized by his or her father and formed a family with his or her natural parents.

26. With regard to the acquisition of British nationality, the British authorities did not usually request the child's views on that matter. Since the United Kingdom recognized the principle of dual nationality, the granting of British nationality to a child who was entitled thereto could under no circumstances prove prejudicial to the child since, on reaching the age of majority, the latter was free to reject British nationality.

27. The United Kingdom could not withdraw the reservation that it had expressed concerning the questions of immigration and citizenship, although it believed that the legal framework, the customary practices and the discretionary power exercised by Ministers in that regard were generally in conformity with the spirit of the Convention.

28. Mr. LUCE (United Kingdom) pointed out that the United Kingdom was a unified State endowed with effective mechanisms to coordinate the various parts of the country. According to a long-standing constitutional practice, responsibilities in regard to policy-making and the setting up of health and social services were divided among various services and Ministries for Scotland, Northern Ireland, Wales and England. Although there were significant differences in the legal framework in each of those regions, the British Government exercised collective responsibility before the British Parliament, which implied the existence of mechanisms for coordination among the country's various regions. Moreover, the Ministry of Health bore special responsibility in the field of coordination, since it was expected to ensure that the obligations contracted by the United Kingdom under the Convention were clearly understood by all the services concerned. At all events, the British authorities did not believe that a modification of the existing coordinating mechanisms would have the slightest effect on the application of the Convention by the United Kingdom. In that regard, he added that the British authorities re-evaluated those mechanisms on a regular basis and modified them whenever new problems arose. For example, ad hoc committees had

recently been established to deal with violence within the family, the protection of children from ill-treatment and the treatment and rehabilitation of persons who had committed sexual offences.

29. Moreover, the British authorities were not convinced by the arguments put forward in favour of the establishment of a post of Commissioner on Children's Rights, since they felt that States parties should use and adapt their legal system in order to fulfil their obligations under the Convention. The United Kingdom had a wide variety of mechanisms which were playing that role. For example, there were arrangements to ensure that the rights of the child were taken into account by Government Departments, as well as legislative provisions that were explicitly intended to safeguard the rights of the child. Noteworthy improvements had been made in the fields of health and education; the child now had the right to be a party to proceedings concerning him or her and to benefit from free legal aid and, at the local authority level, help could be sought from an ombudsman. The creation of a new mechanism might therefore make the situation more confused.

30. The British authorities also welcomed the significant contribution that NGOs had made to policy-making in regard to the protection and promotion of the rights of the child. For example, the Children Act had been drafted after consultation with NGOs, public bodies and the legal services concerned. A large collection of directives concerning the application of that Act, some of which had been drawn up by the NGOs themselves, had been distributed to the local authorities. It was true that the British authorities had not had much time to consult the NGOs about the preparation of the report to be submitted to the Committee. However, the United Kingdom felt that there was nothing in the Convention to oblige States parties to consult NGOs when preparing the report.

31. Mr. HAMMARBERG felt that the British delegation was adopting a defensive position and seeking to demonstrate to the Committee that the British authorities were not making any mistakes in their application of the Convention. That approach was insufficient and they should ask themselves what could be done to bring about a better understanding of the actual needs of the child. The protection and promotion of the rights of the child constituted a very specific field and the Committee felt that it would be helpful to appoint a specific body, such as the office of a Commissioner on Children's Rights, to receive complaints concerning any failure to respect the rights set forth in the Convention. After all, the United Kingdom had already established bodies of that type in other fields. Finally, he hoped to receive details concerning the distribution of resources and expressed concern at the poverty that seemed to affect children in the United Kingdom more than those in other European countries.

32. Mr. LUCE (United Kingdom) said that, in his opinion, there was nothing in the Convention which obliged States parties to establish institutions such as commissioners on the rights of the child; however, there was a possibility that the experience of other countries and the developing situation in the United Kingdom might induce the authorities to modify their position. Although it was true that the United Kingdom had special commissioners in the fiscal field and also in the field of administration and social security, their role was very specific. In those two fields, there was no other

institution, apart from the courts, responsible for receiving possible complaints from individuals, which was far from being the case in the field of child protection. The British authorities preferred to avoid creating problems of overlapping responsibilities by establishing a new institution.

33. Mr. HARRINGTON (United Kingdom) pointed out that the reservation concerning the questions of immigration and citizenship which the United Kingdom had expressed when ratifying the Convention was not designed to prevent the Convention from having beneficial effects. Even if the United Kingdom had no intention of withdrawing its reservation at the present time, positive changes could be regularly noted in the practices of Government Departments in that regard.

34. Mr. LUCE (United Kingdom) said that it was sometimes difficult to distinguish between the influence exerted over child policy by the Convention and that exerted by the experiments conducted in that field in Great Britain and abroad. However, it could be affirmed that the legislature had taken the Convention into consideration during the family law reform process and also in the new legislative provisions concerning acts of violence committed within the family and adoption. For example, in accordance with the Convention on the Rights of the Child and the Hague Convention on Intercountry Adoption, children adopted in the United Kingdom and those adopted abroad enjoyed equal treatment in regard to citizenship.

35. Mr. CAMPBELL (United Kingdom) said that the White Paper on Scotland's Children took careful account of the provisions of the Convention and, in particular, emphasized the need to respect the views and best interests of the child, those two principles being embodied in Scottish law.

36. With regard to the establishment of a post of Commissioner on Children's Rights, the Government did not think that such a measure was necessary in view of the fact that children could already express their grievances in numerous ways, which were listed in an abridged version of the report that had been published for young persons. Moreover, an NGO had placed a telephone number at the disposal of children, who were free to use it at any time.

37. Mr. LUCE (United Kingdom) said that, from the budgetary standpoint, the United Kingdom was allocating £40-50 billion per year to services for children. A large proportion of that sum was used to finance social security benefits. The amount of the budgetary appropriations allocated to that sector varied in the light of demand. Anyone who met certain conditions, defined by Parliament, was entitled to those benefits. The same applied to legal aid.

38. The other major public services, such as education and health, were financed through a highly complex system of taxation. Health services, for example, were largely funded by taxes. The appropriations were distributed among the various regions in the light of the number of inhabitants and various parameters relating, in particular, to the needs for health services. The same funding system applied to education. In the health field, the local health authorities were granted sufficient appropriations to satisfy all their needs. They were responsible for distributing the sums allocated to them among the various establishments and services, particularly the paediatric

services, placed under their supervision. In general, it could be said that the appropriations allocated to services for children were sufficient to meet their needs.

39. Mr. HAMMARBERG inquired whether that resource distribution system was of a type likely to reduce possible interregional disparities. With regard to poverty, it would be interesting to have details concerning the new regulations under which the enjoyment of social benefits was conditional on a specified length of residence in the United Kingdom. Finally, he wished to know whether young unemployed persons aged 16 to 17, some of whom were also homeless, were entitled to social benefits.

40. Mr. HAYES (United Kingdom) said that the Government was concerned at the trend in the distribution of income. The statistics showed an increase in average per capita income but also a decline in the income of some sections of the population, largely due to the rise in unemployment and the structural transformations that had affected the labour market. For that reason, the Government was taking care to ensure that social security benefits were granted primarily to persons who most needed them, in particular low-income families. In that connection, it should be noted that the social security budget had increased almost fivefold between 1989 and 1994. Measures had also been taken to promote part-time work and encourage employers to engage persons who had been unemployed for a long period of time. The Government felt that, in the case of young persons aged 16 to 17, the provision of training was preferable to the payment of benefits. However, benefits were paid to those who, for various reasons, could not receive such training.

41. Finally, the condition relating to length of residence was partly based on a European Commission directive which placed residence-related restrictions on access to social benefits by persons moving from one member State to another. The Government had an obligation to diligently ensure that social expenditure was used solely for the benefit of persons genuinely wishing to settle in the United Kingdom.

42. Mr. LUCE (United Kingdom) said that the Government was taking care to ensure that army and police personnel discharged their tasks in a professional manner. Any allegation that the police or the security forces had been remiss in their duty was investigated with the utmost seriousness. Northern Ireland had widely publicized complaint procedures for persons who regarded themselves as victims of harassment by the security forces. According to the annual reports transmitted to the Secretary of State for Northern Ireland by the Independent Assessor of Military Complaints Procedures, in that regard there were no particular problems affecting children.

43. Mrs. SARDENBERG wondered whether the infrequency of complaints might be attributable to a lack of confidence on the part of the inhabitants of Northern Ireland, who might hesitate to resort to such procedures.

44. Mr. CONLIFFE (United Kingdom) replied that those procedures had already been used, but he was unable to recall the details of any specific case.

45. Mrs. SANTOS PAIS, returning to the question of the reservations expressed by the United Kingdom, pointed out that, under the terms of article 41,

"Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in: (a) The law of a State party". However, those reservations were so significant that they seemed to call into question some of the fundamental principles set forth in the Convention, particularly those concerning non-discrimination and respect for the views of the child. For example, it might be doubted whether the refusal to grant British nationality to a child whose parents were unmarried was compatible with article 2 of the Convention. Moreover, according to article 12, the views of the child should be taken into consideration in any proceedings for the granting of British nationality, which was not the case. It would be interesting to know whether, in accordance with article 4, the British Government intended to undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the Convention.

46. In conclusion, she suggested the establishment of a national body which would be responsible for coordinating the efforts made by the various Ministries, in their respective fields of competence, to give effect to the rights set forth in the Convention, which were extremely varied.

47. Mr. HAMMARBERG welcomed the fact that the Government was placing emphasis on the training of young persons aged 16 to 17, although he wondered whether that policy had been as fruitful as had been expected in so far as the number of poverty-stricken adolescents was increasing. He also wished to know what measures had been taken in favour of persons who were not entitled to any social benefit because they had not resided in the United Kingdom for a sufficiently long period of time.

48. With regard to the emergency legislation applied in Northern Ireland, it would be interesting to know its effects on children, particularly those who had been prosecuted or interrogated. Under that legislation, very young minors could be detained for seven days without being charged and for 48 hours without being allowed to contact their family or their lawyer. Moreover, the fact that a person assessed remained silent during an interrogation could be used against him.

49. It would seem that the persons who had been victims of harassment by the security forces lacked confidence in the complaint procedures available to them. Finally, the use of plastic bullets by the security forces, which sometimes proved lethal, was a source of serious concern.

50. Mr. LUCE (United Kingdom) said that his delegation would be replying as far as possible to the questions raised by the members of the Committee; however, the Committee would doubtless understand that it would not be advisable to enter into discussions on the province of Northern Ireland that might be regarded as preparatory to some new phase of violence.

The meeting rose at 1 p.m.